THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.18653 of 1996

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Between
Tadi Appa Rao and others ..Petitioner

AND

The Manager, State Bank of India, Vizianagaram and another ..Respondents

JUDGMENT

7.2.2007

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.No.18653 of 1996

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ORDER:

The three writ petitioners who have filed the above writ petition solicited directions to the respondents to receive the representations and consider their cases for the post of Watchman in the respondent Bank at Vizianagaram. The writ petitioners assert that they have been discharged from the service of the Armed Forces under medical category. They also assert that they have been engaged as temporary substitute Watchmen for the purpose of 90 days or above at Vizianagaram. But however, their applications were not considered when regular recruitment for the post of Watchman has been taken up by the Bank. The writ petitioners have produced the orders indicating that they have been engaged as temporary substitute Watchmen at various facilities belonging to the respondent Bank on varying spells.

The Chief Manager of the respondent Bank filed a detailed counter affidavit. It has been asserted that the Bank had notified some vacancies of Armed Guards and for filing up them on regular basis, the applications from eligible candidates have been solicited from the Zilla Sainik Board as well as from the former temporary employees of the Bank. It has been specified by the Bank that such of the ex-service men who were discharged from the Armed Forces in Medical category 'AYE' are

eligible. The counter affidavit has further asserted that the writ petitioners have been discharged from the Armed Forces under medical category “BEE (permanent)” which is an inferior category to the required ‘AYE’ category and hence, the writ petitioners are not entitled to be considered for recruitment as Armed Guards. The counter affidavit has pointed out that the nature of the duties and responsibilities performed by the Watchman vastly vary with that of the duties and responsibilities to be performed by the Armed Guards and that the Armed Guards, as part of their duties, have to handle fire arms and ammunition in case of necessity as they essentially and primarily are required to escort the cash remittances vans etc., and also guard the currency chest of the Reserve Bank of India which is maintained with the respondent Bank. It is also disclosed that the entrustment of duties and responsibilities to the Armed Guard also involves safety measures to be adopted by the bank for the purpose of protecting and preserving the public money at all times and therefore, these functions and responsibilities require a certain degree of medical categorisation or in other words, certain standards of medical fitness. Since the writ petitioners have not measured up to the same, their cases have not been considered.

The learned Standing Counsel for the Bank has also placed before me a communication received from the respondent Bank on 2.2.2007 pointing out that in pursuance to the interim directions passed by this Court on 6.9.1996, the cases of the writ petitioners have also

been considered for recruitment, but the result of the same has not been announced as per the directions of this Court. Since the writ petitioners have not been found eligible for recruitment as Armed Guards and that there seems to be some confusion as to the post which is sought to be filled up by the Bank, the apprehension entertained by the writ petitioners is incorrect. The writ petition is liable to be dismissed inasmuch as the post sought to be filed in by the respondent Bank is that of an Armed Guard, but not that of a Watchman.

In view of this, the writ petition is devoid of merits and it is accordingly, dismissed, but however without costs.

NOOTY RAMAMOHAN RAO.J.

7.2.1.2007
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